

Attorney File Ref: 102790-186 / 30060 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Philip KRAFT , et al.  
Serial No.: 10/521494  
Filed: 18.Jan.2005  
Examiner: -- to be assigned --  
Art Group: -- to be assigned --  
Title: **FRAGRANCE COMPOSITION**

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Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Dear Sir;

**PETITION TO ADMIT OATH & DECLARATION PURSUANT TO 37 CFR 1.47(A)**  
**(JOINT INVENTOR -- INVENTOR UNAVAILABLE - 'REFUSES TO SIGN')**

This paper is responsive to the *Notice to File Missing Parts of Nonprovisional Application* dated 19.August.2005.

The undersigned respectfully requests recognition of the satisfaction of the requirements for filing of an application in the USPTO pursuant to 37 CFR 1.47(A) notwithstanding the refusal of the named coinventor to sign the *Combined Oath, Declaration and Power of Attorney* in the application, and to permit the assignee, Givaudan Schweiz AG, to continue prosecution of the application in his stead as successor in interest of the joint named coinventor, Riccardo Cadalbert.

In order to support this *Petition*, the applicant encloses copies of the following documents for the consideration by the Office as identified in the accompanying *Transmittal Letter*.

1. The Patent Office copy of *Notice of Missing Parts of Nonprovisional Application*;
2. A *Petition for an Extension of Time* for three (3) months;
3. A *Combined Oath, Declaration and Power of Attorney* executed by the co-inventor, Philip Kraft;
4. A *Petition to Admit Oath & Declaration Pursuant to 37 CFR 1.47(A) (Joint Inventor Unavailable – “Refuses to Sign”)*;
5. A copy of worldwide *Assignment* of the subject matter of the invention disclosed in the priority document, UK 0216940.7;
6. A *Combined Oath, Declaration and Power of Attorney* executed by Pascal de Rougemont, an authorized signatory/representative of Givaudan S.A., and its wholly-owned subsidiary, Givaudan Schweiz AG;
7. A “Declaration” executed by the authorized signatory/representative , Pascal de Rougemont, outlining certain facts concerning the refusal of the co-inventor, Mr. Riccardo Cadalbert to join in the US application, which Declaration incorporates Exhibits A, B, C, D, E, F, G, H, I, J, K and L identified in said Declaration

The last known address of the non-signing coinventor is:

Riccardo Cadalbert  
Idastrasse 115  
CH-8003 Zürich  
Switzerland

The applicant, Givaudan Schweiz AG, prays that this *Petition* be granted to avoid irreparable damage, e.g, loss of rights to its patent application, as well as potential loss of its rights to any patent(s) which may issue therefrom to the inventor's successor in interest.

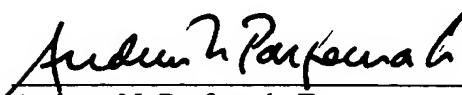
Favorable consideration of this *Petition*, and return to the normal course of prosecution is respectfully requested. It is respectfully requested that the *Combined Oath & Declaration and Power of Attorney* executed by Philip Kraft (coinventor) and Pascal de Rougemont (an authorized signatory/representative ) be admitted pursuant wherein the inventor relating to this US patent application refuses to sign (37 CFR 1.47(a) a/o (b)). It is further respectfully requested that all claims to priority rights be recognized.

Authorization to Charge USPTO Deposit Account

Please charge the required response fee for the late filing of the *Combined Oath, Declaration and Power of Attorney*, any necessary *Petition* fee, as well as any further fees which may be required to ensure consideration and entry of this paper, and any of the enclosures thereto to USPTO Deposit Account 14-1263 in the name of Norris, McLaughlin & Marcus, P.A.

Should the Office believe that telephonic communication would advance the prosecution of the instant application, or should there by any question concerning this paper, the Office is invited to telephone the undersigned at the number given below.

Respectfully Submitted;

  
\_\_\_\_\_  
Andrew N. Parfomak, Esq.  
Reg. No. 32,431  
Norris, McLaughlin & Marcus, PC  
875 Third Avenue, 18<sup>th</sup> Floor  
New York, NY 10022

  
\_\_\_\_\_  
Date:

Tel: 212 808-0700

Enclosures – as indicated

CERTIFICATE OF MAILING

I certify that this document, and any attachments thereto, is being deposited with the US Postal Service with sufficient postage as Express Mail on the date indicated above and is addressed to the: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450."

Kimberly Brittingham  
Kimberly Brittingham

1/18/06  
Date

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# Assignment

I/WE, the undersigned

Philip Kraft  
Kirchbachstrasse 4  
8600 Dübendorf  
Switzerland

Riccardo Cadalbert  
Idastrasse 115  
8003 Zürich  
Switzerland

ASSIGNOR(S), herewith declare that I am/we are the sole/joint inventor(s) of the invention entitled:

## Improvements in or relating to organic compounds

for which the first application(s) was (were) filed as follows:

Country/countries : United Kingdom  
Filing date(s) : 20-Jul-2002  
Filing number(s) : 0216940.7

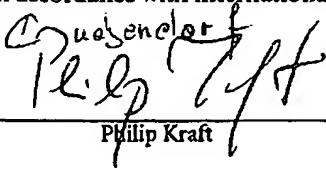
and that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I/WE have sold, assigned and transferred all rights and title to and from the said invention and from the said application(s) in all countries of the world to the ASSIGNEE:

**Givaudan SA**  
CH-1214 Vernier, Geneva (Switzerland)

The present assignment is for, but is not limited to the following countries:

Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Kazakhstan, Korea, Luxembourg, Mexico, Monaco, Netherlands, New Zealand, Norway, Pakistan, People's Republic of China, Philippines, Poland, Portugal, Russia, Saudi Arabia, South Africa, Spain, Sweden, Switzerland, Taiwan, Turkey, United Kingdom of Great Britain and Northern Ireland, Ukraine, Uruguay, U.S.A., Venezuela.

By virtue of this assignment the said ASSIGNEE is fully entitled to apply for and obtain in their own name or in any other name and for their own purposes and account LETTERS PATENT in the whole world, especially in the above-named countries, and to claim therefor the right of priority of the first filed application(s) in the above-named country (countries) in accordance with international conventions.

Signed at  Switzerland, this

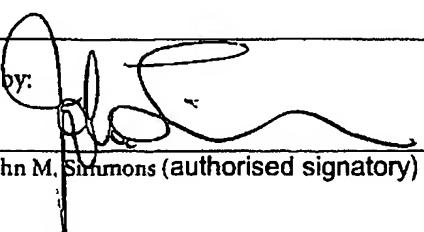
17 day of September 2002

Philip Kraft

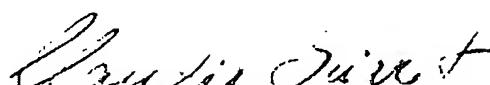
Riccardo Cadalbert

Signed at , this day of

Signed at , this day of

Witnessed by: 

John M. Simmons (authorised signatory)

 Claudia Sievert (authorised signatory)

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## COMBINED OATH, DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### FRAGRANCE COMPOSITION

the specification of which has been filed on 18 January 2005 in the U.S. Patent and Trademark Office as a 371 of PCT/CH03/00466.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby claim foreign priority benefits under title 35, U.S.C. §119 of any foreign application(s) for patent or inventor certificates listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application<br>(Number) | (Country)     | (Day/Month/Year Filed) | Priority Claimed<br>[X] Yes | [ ] No |
|---------------------------------------|---------------|------------------------|-----------------------------|--------|
| 0216940.7                             | Great Britain | 20 July 2002           |                             |        |
|                                       |               | (Day/Month/Year Filed) | [ ] Yes                     | [ ] No |

I hereby claim to benefit under 35 U.S.C. §119 (e) of any United States Provisional application(s) listed below:

| US Provisional Application Serial No. | Filing Date: |
|---------------------------------------|--------------|
|                                       |              |

I hereby claim the benefit under Title 35, U.S.C. §120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, U.S.C. §112, I acknowledge the duty to disclose maternal information is defined in Title 37, Code of Federal Regulations §1.56(a) which occurred

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between the filing date of the prior application and the national or PCT international filing date of this application:

| US Patent Application: | Filing Date: | Status: |
|------------------------|--------------|---------|
|                        |              |         |
|                        |              |         |

I hereby declare that all statements made herein of my own knowledge or true and that all statements made on information and belief are believed to be true; and further that these statements for made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Power of Attorney: As a named inventor, I hereby appoint



Practitioners Associated with the  
Customer Number:

27389

as my/our attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from the Assignee of this application as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned.

|   |  |
|---|--|
| SEND ALL CORRESPONDENCE TO:<br>Norris, McLaughlin & Marcus PA<br>875 Third Avenue, 18 <sup>th</sup> Floor<br>New York, NY 10022 | DIRECT TELEPHONE CALLS TO:<br>Andrew N. Parfomak<br>(212) 808-0700 |
|---|--|

|                              |  |
|------------------------------|--|
| Full Name of First Inventor: | Philip KRAFT   |
| Inventor's Signature         |  |
| Date of Signature:           |  |
| Inventor's Citizenship:      | Germany  |
| Residence Address:           | Kirchbachstrasse 4<br>CH-8600 Dübendorf<br>SWITZERLAND |
| Post Office Address:         | -same as residence address-                            |

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|                               |   |
|-------------------------------|---|
| Full Name of Second Inventor: | Riccardo CADALBERT,<br>By Pascal de Rougemont   |
| Signature                     |   |
| Date of Signature:            |   |
| Inventor's Citizenship:       | Switzerland                                     |
| Residence Address:            | Idastrasse 115<br>CH-8003 Zürich<br>SWITZERLAND |
| Post Office Address:          | -same as residence address-                     |

|  |  |
|--|--|
| Authorized Representative of<br>Givaudan S.A.: | Pascal DE ROUGEMONT  |
| Title:   | Group Counsel  |
| Citizenship:                                   | Switzerland  |
| Residence Address:                             | 8, chemin d'Archamps<br>1257 Croix-de-Rozon<br>Switzerland |
| Post Office Address:                           | /  |

*Pascal de Rougemont**January 16, 2006*